

ADDENDUM 4

project Lake Superior Zoo Black Bear Exhibit

project # 019001.00

date August 8, 2019

from Tiersa Wodash, DSGW Architects

to All planholders for above project

The following addendum shall become part of the construction documents for the construction of the above referenced project. This addendum supersedes and supplements all previous reference to similar items.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am duly a Licensed Architect under the laws of the State of Minnesota.

Signature

Registration #

Date

21068

August 8, 2019

general clarifications

- Mechanical life support system work, including electrical work, for water feature by independent life support contractor. Shotcrete contractor and mechanical life system contractor to coordinate design and construction of water feature.
- 2. Bid date MOVED to Tuesday August 13th, 2019 at 2p.
- 3. Bid document form package attached. These forms can be submitted in lieu of submission through Bid Express. All bidders required to view requirements and construction documents on Bid Express.
- 4. 4" CMU block is not structural, it is an architectural component. Follow the architectural documents for wall types in Interior Vestibules 101 and 111A.

Enclosures -

- Bid document form package thirty-two (32) on 81/2" x 11"

This addendum shall become part of this bid. The bidder shall insert the addendum number in the space where indicated on the proposal form. Failure to comply may result in the bid being rejected.

END OF ADDENDUM FOUR (4)



Purchasing Division 120 City Hall, 411 W. 1st Street Duluth, MN 55802-1189 TEL. 218-730-5340 purchasing@duluthmn.gov

INVITATION TO BID LAKE SUPERIOR ZOO BLACK BEAR EXHIBIT RENOVATION

BID NUMBER: 19-14AA BID OPENING: THURSDAY, AUGUST 8, 2019 AT 2:00 PM

PROJECT DESCRIPTION: Construction of improvements to the black bear exhibit and attached maintenance building on the west side of Kingsbury Creek at the Lake Superior Zoo, located at 7210 Freemont Street in Duluth, MN. Work scopes include demolition, concrete, masonry, structural steel, carpentry, joint sealing, doors, frames & hardware, painting/coatings, artificial rockwork, mechanical, electrical, and earthwork/exterior improvements/utilities. Bidders may choose to bid on one or more work scopes. Please see the bid documents for more information.

PRE-BID MEETING: A pre-bid meeting and site visit will be held on Thursday, August 1, 2019 at 10:00 a.m. at the Lake Superior Zoo, 7210 Freemont Street, Duluth, MN. All interested bidders are strongly encouraged to attend.

QUESTIONS: Please submit any technical questions regarding this project via e-mail to Greg Schendel, Kraus Anderson Construction Company, greg.schendel@krausanderson.com. Responses will be issued as an addendum to this solicitation.

Questions regarding the bidding process should be emailed to purchasing@duluthmn.gov.

The selected contractor(s) will be issued an AIA construction contract (draft included in the Standard City Contracting Forms in the BidExpress solicitation) or purchase order for material only procurements. Notice to Proceed will be issued once all approvals and required paperwork are received.

Specifications may be viewed and downloaded at no cost at www.bidexpress.com. Bidders must create a free account with Bid Express®; and login to search for city projects (search by "City of Duluth" or bid number). Bidders will be required to create an Info Tech Digital ID in order to bid, which can take up to five (5) business days to process. Please allow ample time to obtain your digital id prior to the bid deadline. Bid Express® does charge a nominal fee for bid submission. More information can be found at https://www.bidexpress.com/vendor resources.

Proposal forms, contract documents, plans and specifications may also be on file at the following offices: Kraus Anderson Construction Company, Duluth Builder's Exchange, Minnesota Builder's Exchange, BXWI-Fox Valley Plan Room, and Blue Book Building and Construction Network.

INSTRUCTIONS TO BIDDERS

All bids must be complete, signed, and transmitted in a sealed envelope plainly marked with the bid number, subject matter, and opening date.

Bids may be mailed to the Purchasing Office, City Hall, 411 West 1st Street, Room 120, Duluth, MN 55802 or dropped off in person at the same address.

Bids must be received in Purchasing before 2:00 PM local time on the bid opening date specified on the Invitation for Bids. The City Purchasing Agent or her designee will conduct a public bid opening in Room 120 immediately following receipt of the bids. Once all bids have been reviewed, bid results will be posted online at http://www.duluthmn.gov/purchasing/bids-request-for-proposals/.

No alternatives to the specification will be considered unless specifically requested. Erasures or other changes to the bid must be initialed and dated, however no special conditions shall be made or included in the bid form by the bidder.

The City of Duluth reserves the right to split the award where there is a substantial savings to the City, to waive informalities and to reject any and all bids. Price may not be the only consideration for bid award. Bids must be firm for a minimum of 30 days.

- **1.** The following documents must be submitted with your bid:
 - 1. **Bid Bond** A certified check or bank draft, payable to the order of the City of Duluth, negotiable U.S. Government Bonds (at par value), or a satisfactory bid bond executed by the bidder and acceptable surety, in an amount equal to five per cent (5%) of the total bid. Bids may be withdrawn without forfeiture of surety if the request is submitted by the Bidder and received at the Purchasing Office in writing or by e-mail prior to the scheduled bid opening.
 - 2. **Acknowledgment of Addendum** any changes to this solicitation will be announced via Addendum. Bidders must indicate that they have reviewed any addendum(s) by initialing and dating on the bid form where indicated. Failure to acknowledge addendum(s) may result in your bid being deemed non-responsive.
 - 3. **Responsible Contractor** No construction contract in excess of \$50,000 will be awarded unless the Bidder is a "responsible contractor" as defined in Minnesota Statute §16C.285, subdivision 3. All Bidders submitting a proposal for this project must verify that they meet the minimum criteria specified in the statute by submitting a Responsible Contractor Verification and Certification of Compliance form (attached) with their bid. The owner or officer of the company must sign the form under oath verifying compliance with each of the minimum criteria. Making a false statement under oath will render the Bidder or subcontractor that makes the false statement ineligible to be awarded a construction project and may result in termination of a contract awarded to a Bidder or subcontractor that submits a false statement. Bidders must obtain verification of compliance from all subcontractors. Bidders must submit signed copies of verifications and certifications of compliance from subcontractors at the City's request.
- 2. Please note that the following requirements also apply to this project, and any additional required documents must be submitted prior to award/contract execution. Submitting these documents with your bid will assist in expediting the process.
 - 1. **Insurance** Contractor must provide proof of Public Liability and Automobile Liability Insurance with limits not less than \$1,500,000 Single Limit prior to the commencement of work. The City of Duluth must be named as an additional insured. Please refer to the draft Contract, Section 7.
 - 2. **Affidavit of Non-Collusion** The successful bidder shall be required to execute the attached affidavit stating that he/she has not entered into a collusive agreement with any other person, firm, or corporation in regard to any bid submitted.
 - 3. **Performance & Payment Bonds** The awarded contractor will be required to submit performance and payments bonds in the full amount of the project cost prior to award.
 - 4. Affirmative Action/EEO The contractor must take affirmative action to ensure that the employees

and applicants for employment are not discriminated against because of their race, color, creed, sex or national origin, and must meet the affirmative action goals. Contractors are encouraged to subcontract with Disadvantaged Business Enterprises (DBEs) when possible. A current list of certified DBEs is available on the Minnesota Unified Certification website at http://mnucp.metc.state.mn.us. Contractor will comply with all applicable Equal Employment Opportunity laws and regulations. Awarded contractor will submit the attached Equal Employment Opportunity (EEO) Affirmative Action Policy Statement & Compliance Certificate.

- 5. **Project Labor Agreement (PLA)** A PLA will be required for any bid that is over or could virtually go over \$150,000. A copy of the City standard PLA is included in this package.
- 6. **Community Benefits Provisions** A Community Benefits Best Efforts Plan will be required for any project that includes a PLA. The required form is included in the bid package, as well as a link to additional community benefits information, including the program specifications and a process flowchart.
- 7. **Out of State Contractor** Unless a State of Minnesota Certificate of Exemption is provided, any out-of-state bidder receiving a bid award will have 8% retained from invoice payments on any contracts over \$50,000. Submit a signed copy of the signed exemption form when submitting Payment and Performance Bonds. This form may be found at: http://www.revenue.state.mn.us/Forms_and_Instructions/sde.pdf
- 8. **Prevailing Wage** Not less than the minimum salaries and prevailing wages as set forth in the contract documents must be paid on this project.

The City of Duluth is an Equal Opportunity Employer. Contractor shall comply with all applicable Equal Employment Opportunity laws and regulations.

CITY OF DULUTH

Amanda Ashbach Purchasing Agent

1.01 INTRODUCTORY INFORMATION

- A. **Request for Sealed Bids:** In accordance with the Advertisement for Bids, Kraus-Anderson Construction Company, on behalf of the Owner is requesting the following:
 - 1. Lump Sum Proposal for the Work Scope Categories identified in Section 01 1210 and on your Bid Form.
- B. Submit Bids to: Bids will be received as stated in the Advertisement for Bids Section 01 1110.
- C. **Bidding Documents:** Bidding Documents include the Advertisement for Bids, Instructions to Bidders, Bid Forms and other documents identified within Project Manual and other Contract Documents indicated herein, including Drawings, Specifications and Addenda issued prior to execution of the Contract.
- D. **Definitions:** Definitions set forth in the General Conditions of the Contract for Construction, AIA Document A232 or in other Contract Documents are applicable to the Bidding Documents.

1.02 AVAILABILITY OF BIDDING DOCUMENTS

- Availability of Documents: Refer to Advertisement for Bid for additional information regarding availability and procurement of Bidding Documents.
 - 1. Bidding documents are on file at lsgft and the following locations:

Bid Express www.bidexpress.com

Duluth Builders Exchange 802 Garfield Ave #200 Duluth, MN 55802

B. Procurement of Documents for Bidders on Prime Contracts:

- Bidders may obtain electronic Bidding Documents through Isqft by contacting the Construction Manager or at www.bidexpress.com.
- C. **Addenda:** Registered document holders will receive copies of Addenda including attachments corresponding to documents obtained via the same method as original documents.

1.03 EXAMINATION OF BIDDING DOCUMENTS

- A. **Examination of Documents:** Bidder shall carefully examine entire content of Bidding Documents to become thoroughly familiar with the documents and project requirements.
- B. **Bidder's Representation:** Bidder by making a Bid represents that:
 - 1. Bidder has read and understands Bidding Documents and the Bid is made in accordance therewith.
 - 2. Bidder has read and understands Bidding Documents or Contract Documents, to the extent that such documentation relates to the Work for which the Bid is submitted, for other portions of Project, being bid concurrently or presently under construction.
 - 3. Bidder has visited the Site, become familiar with local conditions under which the Work is to be performed and has correlated Bidder's personal observations with the requirements of proposed Contract Documents.
 - 4. Bid is based upon the materials, equipment and systems required by Bidding Documents without exception.
- C. Interpretations or Corrections of Bidding Documents: Bidder shall carefully study and compare Bidding Documents with each other and with other work being bid concurrently or presently under construction to the extent that it relates to the Work for which the Bid is submitted, shall examine the site and local conditions and shall at once report to Architect and Kraus-Anderson errors, inconsistencies or ambiguities discovered.
 - 1. Bidders requiring clarification or interpretation of Bidding Documents shall make a written request which shall reach Architect and Kraus-Anderson not less than 7 days prior to the date for receipt of Bids.
 - Bidders requiring clarification or interpretation of Bidding Documents shall make a request via email to Greg Schendel at Kraus-Anderson Construction Company in accordance with the limitations indicated in the Advertisement for Bids.
 - 3. It is the Bidder's responsibility to bring discrepancies, ambiguities, omissions, or matters in need of clarification to the attention of the Architect for interpretation and decision. If there is a discrepancy that is unclarified prior to the Bid, the Contractor shall be responsible for the more stringent interpretation of the unclarified condition.
 - 4. Interpretations, corrections or changes of Bidding Documents will be made by Addendum. Interpretations, corrections and changes of Bidding Documents made in any other manner will not be binding and Bidders shall not rely upon them.
- D. **Substitutions and Requests for Prior Approvals:** Materials, products and equipment described in Bidding Documents establish a standard of required function, dimension, appearance and quality to be met by any proposed substitution.



- Substitution Procedures: Detailed procedures and limitations for submitting requests of substitution for both before and after award of Contract are explained in Section 01 2500. Requests not complying with requirements of Section 01 2500 will be rejected.
- 2. Substitution Request Form: Requests submitted without a properly completed and signed Substitution Request Form, will not be evaluated.
- 3. Burden of proof of the merit of the proposed substitution is upon the proposer. Architect's decision of approval or disapproval of a proposed substitution shall be final.
- 4. If Architect approves proposed substitution prior to receipt of Bids, such approval will be set forth in an Addendum. Bidders shall not reply upon approvals made in any other manner.
- E. Addenda will be issued to registered document holders.
 - 1. Addenda will be made available for inspection wherever Bidding Documents are on file.
 - 2. Each Bidder shall ascertain prior to submitting a Bid that the Bidder has received all Addenda issued and the Bidder shall acknowledge their receipt on the Bid Form.

1.04 BIDDING PROCEDURES

- A. Pre-Bid Conference: A Pre-bid Conference will be conducted on as defined in the Advertisement for Bid. Refer to Section 00 1110 for details.
 - 1. Attendance is strongly recommended for Prime Contractor Bidders.
- B. **Form and Style of Bids:** Submit **Sealed Bids** on forms identical to the Bid Form (Section 004100) included with Bidding Documents. Electronic bids are preferred; bidders wishing to submit paper bid must coordinate through the city purchasing agent and construction manager. Submit Bid on the prescribed forms.
 - Submit bid on the prescribed form, which is furnished with the specification, and on city website "Bid Express" www.bidexpress.com.

C. Avoid Rejection of Your Bid:

- 1. Your bid will not be accepted if it includes any of the following irregularities:
 - a. It does not include a proposal guaranty submitted electronically through Bid Express® using Surety 2000 or SuretyWave, or as a hard copy by mail or other delivery method, either as a corporate surety bond or a certified check made payable to the City of Duluth. If not submitted electronically, the proposal guaranty must be received by the Purchasing Division, located in City Hall Room 120, 411 West 1st Street, Duluth, MN 55802 NO LATER THAN 2:00 PM the specified date of opening, the proposal guaranty must be in a sealed envelope marked clearly with the bid number, name of the bidder, project name and project number;
 - b. It is not signed by Digital ID by the individual, one or more of the partnership, or one or more officers of a corporation;
- 2. Proposals will be considered irregular and may be rejected for any of the following reasons:
 - a. If any addenda is not acknowledged electronically through Bid Express®:
 - b. If the bid is a conditional bid (Conditional bids are not allowed unless provided for in the Special Provisions);
 - c. Required documents have not been electronically acknowledged.
- Additional Information:
 - a. All bids must be electronically submitted through Bid Express® or sealed hard copies received in Purchasing by the time stated in the Invitation to Bid.
- 4. This list not intended to be inclusive. Please review and read the entire Proposal Package before electronically submitting your bid.
- D. **Bid Security Execution of Contract:** With each bid, submit a certified check or cashier's check on a solvent bank, or bid bond, equal to five percent (5%) of amount of maximum bid submitted (including additive alternates) and made payable without recourse to the Owner
 - For bid bonds, form may be surety's standard form or AIA Form A-310, duly executed by the bidder as principal, issued by a corporate surety company authorized to do business in the State where the project is located, with copy of Power of Attorney attached, as well as proper acknowledgments.
 - 2. Bid security in form of certified or cashier's check will be returned to all but the three lowest bidders within ten (10) days after opening of bids.
 - 3. Bid security shall be forfeited to Owner as liquidated damages in the event bidder is awarded a Contract and he fails or refuses to execute the Agreement and furnish specified bond within ten (10) days after award, provided Agreement is ready for signature. If Agreement has not been prepared within ten (10) days, Contractor shall have two (2) days after its preparation for execution.



- E. **Modification or Withdrawal of Bids:** Bid may not be modified, withdrawn or canceled by Bidder during a **60 day period** following the date of receipt of Bids, and each Bidder so agrees in submitting a Bid.
 - Prior to time and date designated for receipt of Bids, Bid submitted may be modified or withdrawn by notice to
 party receiving Bids at the place designated for receipt of Bids. Such notice shall be in writing over the signature of
 Bidder. Written confirmation over the signature of Bidder shall be mailed and postmarked on or before the date
 and time set for receipt of Bids.
 - a. A change shall be so worded as not to reveal the amount of the original Bid.
 - Withdrawn Bids may be resubmitted up to date and time designated for receipt of Bids provided they are then fully in conformance with these Instructions to Bidders.
- F. **Plangrid Subscription:** With each bid include in your base bid the cost to use www.plangrid.com. Plangrid is a web based document system that KA houses all project documents (RFI's, approved submittals, approved changes (PCOs), and updated plans). Plangrid offers three (3) different levels of subscriptions depending on the size of your project (number of plan sheets):
 - 1. Nailgun (550 plan sheet maximum) Approximately \$39.00 a month per user, when billed annually.
 - 2. Dozer (5,000 plan sheet maximum) Approximately \$59.00 a month per user, when billed annually.
 - 3. Crane (Unlimited plan sheets) Approximately \$119.00 a month per user, when billed annually.

To get a more accurate cost for including this in your base bid, please contact Plangrid Sales at 415-963-4088.

Awarded bidders will be notified after bid day to set up/purchase a subscription with Plangrid so they can access the project.

- G. **Construction Management Software:** Viewpoint Team web based software will be utilized throughout the project. This will not be an added cost to the contractors but will require your participation.
 - 1. Once contracts are awarded, the awarded contractor will receive an invite to create an account in Viewpoint Team.

1.05 CONSIDERATION OF BIDS

- A. **Bid Opening:** Bids received by the date and time indicated in the Advertisement for Bids Section 00 1110 will be publicly opened and read aloud.
- B. **Qualifications of Bidders:** Owner may make such investigations as he deems necessary to determine the ability and responsibility of the bidder to perform the work, and any bidder shall furnish to Owner all such information and data for this purpose, as the Owner may request.
 - 1. Owner reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the Owner that such bidder is properly qualified to carry out the obligations of the contract and to complete the Work contemplated therein.
 - 2. The following may be required of the lowest responsible bidder in determining an award, including, but not limited to: (1) proof of financial responsibility, (2) quality of similar work, (3) amount of experience with similar projects, (4) facilities, personnel and equipment, (5) reputation for performance, and (6) ability to complete the work within specified time.
 - 3. Owner reserves the right to reject any Bid where there is reasonable doubt as to the qualifications of the bidder.
 - 4. **Responsible Contractor**: Minnesota Statute § 16C.285, all provisions of which are incorporated herein by reference and made applicable to this solicitation, requires that all construction contracts that are awarded through a solicitation issued on or after January 1, 2015 may only be awarded to a "responsible contractor." The term "responsible contractor" as used in this solicitation has the same meaning as the term has in Minn. Stat. §16C.285, subd. 3. In order to qualify as a "responsible contractor", the contractor or subcontractor, for its portion of the project, must meet the minimum criteria as set forth in Minn. Stat. § 16C.285, subd. 3.
 - a. All responses to this solicitation must include a signed statement under oath by an owner or officer of the contractor verifying compliance with each of the minimum criteria in Minn. Stat. § 16C.285, subd. 3. This requirement is met by completing and submitting the Responsible Contractor Affidavit of Compliance ("Compliance Affidavit"), which is attached to the Bid Form (Section 004100) as Attachment A.
 - b. Any prime contractor or subcontractor that fails to submit its Compliance Affidavit or meet the minimum criteria in Minn. Stat. § 16C.285, subd. 3, is not a responsible contractor and will not be eligible to be awarded a contract or perform work on the project. Any prime contractor or subcontractor that makes any false statement under oath regarding compliance with the minimum criteria in Minn. Stat. § 16C.285, subd. 3 will not be eligible



- to be awarded a contract and any such false statement may result in termination of a contract awarded to the contractor.
- c. The prime contractor or subcontractor must also include in its Compliance Affidavit a list of its first-tier subcontractors that it intends to retain for work on the project. Prior to execution of a construction contract, and as a condition precedent to the execution of a construction contract, the apparent successful prime contractor shall submit a supplemental verification under oath confirming compliance with Minn. Stat. § 16C.285, subd. 3, clause (7) ("Supplemental Compliance Affidavit"), using Attachment A-2 to the Compliance Affidavit. The prime contractor or subcontractor must obtain a Compliance Affidavit from all first-tier subcontractors listed on the contractor's Compliance Affidavit or Supplemental Compliance Affidavit. The prime contractor shall submit copies of all Compliance Statements obtained from all subcontractors of any tier to the Owner upon request.
- d. If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its Compliance Affidavit and Supplemental Compliance Affidavit, the contractor shall obtain a Compliance Affidavit from each additional subcontractor and shall submit a supplemental verification, using <u>Attachment A-3 to the Compliance Affidavit</u>, within 14 days of retaining the additional subcontractors, in accordance with Minnesota Statute § 16C.285, subd. 3. This requirement applies during the solicitation process and continues through the term of any awarded contract.
- 5. Refer to requirements regarding Project Labor Agreements.
- 6. Provide certified payrolls.
- C. Acceptance of Bid Award of Contract: Owner reserves the right to (1) accept bidder's Base Bid only, (2) accept any one or more of bidder's Alternate Bids, in any order regardless of the order in which they were listed, (3) reject all Bids, (4) award contract based on his investigation of bidders, as well as acceptance of alternates, all of which Owner deems to be in his best interest, (5) waive informalities or minor irregularities in bids and waive minor irregularities or discrepancies in bidding procedure.
- D. **Prime Contractor's Subcontracts and Suppliers:** Proposed subcontractors are subject to Owner's, Construction Manager's and Architect's acceptance. The right of rejection may be exercised when there is reasonable doubt the subcontractor (supplier) will be able to satisfactorily perform work under the Contract, as specified under Article 5.2 of General Conditions and Supplementary Conditions.
- E. **Alternates:** Owner shall have the right to accept Alternates and Unit Prices in any order or combination and to determine the lowest responsible Bidder on the basis of the sum of the Base Bid and Alternates that are accepted.
- F. **Rejection of Bids:** Owner shall have the right to reject any or all Bids, and to waive informalities or irregularities in a Bid.

1.06 POST BID - PRE-AWARD INFORMATION AND SUBMITTAL REQUIREMENTS

- A. Contractor's Qualification Statement: Bidders to whom award of a Contract is under consideration shall submit to the Owner via Kraus-Anderson Construction Company, upon request, a properly executed AIA Document A305, Contractor's Qualification Statement.
- B. **Financial Capability:** Owner and Kraus-Anderson reserves the right to request a copy of the Bidder's audited financial statement, four-year revenue history, overall bonding capacity, and current available bonding capacity. This information will be held confidential and is a part of the Owner's Evaluation and Selection Process.
 - 1. By virtue of submitting a Bid, this Contractor agrees to submit any and all information requested by the Owner as outlined in these Instructions to Bidders.
- C. **Certificate of Insurance:** Bidder shall submit to Owner via Kraus-Anderson satisfaction supporting data confirming their ability to furnish a Certificate of Insurance in accordance with the project requirements.
- D. Subcontractor List: Submit names of proposed subcontractors and material suppliers, including:
 - 1. Names of manufacturers, products and the suppliers.
 - 2. Names of persons or entities (including those who are to furnish materials or equipment fabricated to a special design) proposed for principal portions of the Work.
 - 3. Organize lists by Specification Section number
 - 4. Self-Performed Work: Designation of the Work to be performed with Bidder's own forces.
 - Prior to the award of Contract, Owner via Kraus-Anderson will notify Bidder in writing if Owner, Architect, or Kraus-Anderson Construction Company after due investigation, has reasonable objection to a person or entity proposed by the Bidder.



- 6. If Owner, Architect, or Kraus-Anderson Construction Company has reasonable objection to a proposed person or entity, Bidder may, at Bidder's option, (1) withdraw Bid, or (2) submit an acceptable substitute person or entity with no adjustment in Base Bid or Alternate Bid to cover the difference in cost occasioned by such substitution.
- 7. Owner may accept the substitution or disqualify Bidder. In the event of either withdrawal or disqualification, bid security will not be forfeited, if applicable.
- 8. Persons and entities proposed by the Bidder and to whom Owner, Architect, or Kraus-Anderson Construction Company have made no reasonable objection must be used on the Work for which they were proposed and shall not be changed except with the written consent of Owner, Architect, or Kraus-Anderson Construction Company.
- E. **Labor Resources:** Bidder shall submit to Owner via Kraus-Anderson satisfaction supporting data confirming their ability to adequately staff the project with qualified labor classifications as may be required to support the Project Schedule and other project requirements. Specific clarifications, may include, but not limited to:
 - 1. Qualifications and resumes of your project management team with organization chart identifying reporting lines and locations of individuals, whether on-site or in your corporate office. Include as a minimum project manager, field supervisors, and trade foremen.
 - 2. Define/explain your approach to achieve Local and minority participation with appropriate supporting data.
 - 3. Demonstrate the reliability and responsibility of the persons or entities proposed to furnish and perform the Work described in Bidding Documents.

1.07 BOND REQUIREMENTS

- A. **Performance and Payment Bonds:** Upon notification of award of Contract, Contractor shall provide City of Duluth Performance and Payment Bond in the amount of 100% of Contract Sum in accordance with General Conditions of the Contract.
- B. **Timing of Bonds:** Bidder shall deliver the required bonds as requested by the Construction Manager, which may require bonds to be delivered prior to the execution date of the Contract. If the Work is to be commenced prior thereto in response to a letter of intent, Bidder shall, prior to commencement of Work, submit evidence satisfactory to Owner that such bonds will be furnished and delivered in accordance with this paragraph.

-- End --





Section 00 5110 – List of Contract Forms

1.01 SUMMARY

A. Section Includes

1. Forms and standards applicable to this Project.

1.02 CONTRACT FORMS

- A. **Prime Contract Form:** The Owner intends to award Multiple Prime Contract on the AIA Form A132/CMa, Standard Form of Agreement between the Owner and Contractor Stipulated Sum in accordance with the Work Scope Categories defined in Section 01 12 00.
 - 1. A copy of this document is available for inspection at the office of the Construction Manager.
- B. General Conditions of the Contract for Construction: AIA Document A232/CMa-2009 edition has been modified by the Owner to reflect Project specific requirements.

1.03 LIST OF SPECIAL FORMS

- A. **Bid Form:** As bound in this Project Manual or on city website "Bid Express"
 - 1. Submit exact form in duplicate.
- B. City of Duluth Forms: List of city forms to be submitted with bid.
 - 1. Affidavit of Non Collusion
 - 2. EEO Form
 - 3. Responsible Contractor Form
 - 4. City of Duluth Project Labor Agreement
 - 5. City of Duluth Best Effort Plan
- C. **Bid Bond Form:** The standard form of a surety, authorized to do business in the state where the Project is located and meeting all requirements, will be acceptable. Standard AIA Document A310 will be acceptable.
 - 1. Submit with bid form with proper Power of Attorney certificated and acknowledgment.
- D. Agreement: The contract form will be the AIA A132/CMa 2009 edition.
- E. **Performance Bond and Labor and Material Payment Bond:** City of Duluth Performance Bond and Payment Bond, conforming to Minnesota statutes and project requirements.
- F. Submittal Transmittal Form: As bound in this Project Manual.
- G. PCO Request Form: As bound in this Project Manual.
- H. Required Closeout Forms: As defined in Section 01 7710 Closeout Procedures.
 - 1. AIA G704 Certificate of Substantial Completion
 - 2. AIA G706 Affidavit of Debts and Claims
 - 3. AIA G706A Affidavit of Release of Liens
 - 4. AIA G707 Consent of Surety to Final Payment
 - 5. MN IC134 Withholding Affidavit (material suppliers exempt)
 - 6. Attic Stock Verification
 - 7. Training Documentation and Sign In
- I. **Examination of Forms:** AIA forms may be examined at Architect's office or Construction Manager's office.

-- End --



Section 00 5110 - List of Contract Forms

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AFFIDAVIT AND INFORMATION REQUIRED OF BIDDERS

Affidavit of Non-Collusion:

Signed:

I hereby swear (or affirm) under penalty of perjury:

- That I am the bidder (if the bidder is an individual), a partner in the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation);
- That the attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor or materials, supplied, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;
- That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids and will not be communicated to any such person prior to the official opening of the bid or bids;

That a family relationship between a City of Duluth employee and bidder/proposer are in non-collusion; and

That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Firm Name:
Subscribed and sworn to me before this day of,,
NOTARY PUBLIC
My commission expires:
Bidder's E.I. Number (Number used on employer's quarterly Federal Tax return)

EQUAL EMPLOYMENT OPPORTUNITY EEO AFFIRMATIVE ACTION POLICY STATEMENT & COMPLIANCE CERTIFICATE

TO: City of Duluth, MIN	PROJECT NUMBER & DESCRIPTION	·
FROM:		
	(Vendor's name, address, telephone number)	

A) Employment: It is the policy of the above named FIRM to afford equal opportunity for employment to all individuals regardless of race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance and/or disability. The FIRM will take affirmative action to ensure that we will: (1) recruit, hire, and promote all job classifications without regard to race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, and/or disability, except where sex is a bona fide occupational qualification; (2) base decisions on employment so as to further the principle of equal employment opportunity; (3) ensure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; (4) ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, FIRM sponsored training, education tuition assistance, social and recreational programs will be administered without regard to race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, and/or disability. The FIRM also intends full compliance with Veteran affirmative action requirements. Additionally, minority and female employees shall be encouraged to participate in all FIRM activities and refer applicants.

Supervisors have been made to understand that their work performance is being evaluated on the basis of their equal opportunity efforts and results, as well as other criteria. It shall be the responsibility of the FIRM and its supervisors to take actions to prevent harassment of employees placed through affirmative action efforts.

- B) Reports: Unless exempted by law and regulation, the FIRM shall make available and file those reports related to equal opportunity as may be required by the City of Duluth and State and Federal compliance agencies. Requirements and Reports are defined in 41CFR60 "Compliance Responsibility for Equal Opportunity" published by the U. S.Department of Labor which is incorporated herein by reference. Additional requirements are defined in various State and Federal Civil Rights Legislation and Rules promulgated thereunder.
- C) Nonsegregated Facilities: The FIRM certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The FIRM certifies that it will not maintain or provide for its employees any segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The FIRM agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this certificate. As used in this Certification, the term "segregated"

facilities" means any waiting rooms, work area, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation for entertainment area, transportation, and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise.

- **D)** Affirmative Action Compliance Program: Unless exempted by regulation and law, the FIRM-if the FIRM has 50 or more employees and if the value of current contracts with the City of Duluth exceeds \$50,000-shall prepare and maintain a written affirmative action compliance program that meets the requirement as set forth in 41CFR60.
- **E)** Non-Compliance: The FIRM certifies that it is not currently in receipt of any outstanding letters of deficiencies, show cause, probable cause, or other such notification of non-compliance with EEO Laws and Regulations.
- F) Employment Goals "Construction" Projects: It shall be the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the on-site workforce will be minority employees and that no less than 7% of the on-site workforce will be female employees. Further, it is the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the work hours generated shall be worked by minority employees and that no less than 7% of the work hours generated shall be worked by female employees.
- **G) Subcontractors:** The FIRM will for all its PROJECT subcontractors regardless of tier (unless exempted by law and regulation) that received in excess of \$2,500 require that: (1) the subcontractor shall execute an "EEO Statement and Certification" similar in nature to this "Statement and Certification", (2) said documentation to be maintained on file with the FIRM or subcontractor as may be appropriate.

xecuted this	day of	, 20 by:	
Printed name a	nd title		
Signature			

NOTE: In addition to the various remedies prescribed for violation of Equal Opportunity Laws, the penalty for false statements is prescribed in 18 U.S.C. 1001.

ATTACHMENT A PRIME CONTRACTOR RESPONSE

RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE

	PROJECT NUMBER:
sec	s form includes changes by statutory references from the Laws of Minnesota 2015, chapter 64, tions 1-9. This form must be submitted with the response to this solicitation. A response eived without this form, will be rejected.
does	Stat. § 16C.285, Subd. 7. IMPLEMENTATION. any prime contractor or subcontractor or motor carrier that not meet the minimum criteria in subdivision 3 or fails to verify that it meets those criteria is not a responsible actor and is not eligible to be awarded a construction contract for the project or to perform work on the project
mean	Stat. § 16C.285, Subd. 3. RESPONSIBLE CONTRACTOR, MINIMUM CRITERIA . "Responsible contractor" s a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the on the project and verifies that it meets the following minimum criteria:
(1)	The Contractor:
	(i) is in compliance with workers' compensation and unemployment insurance requirements;
	(ii) is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees;
	(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and
	(iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative.
(2)	The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.03, 181.101, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:
	(i) repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of \$25,000 or more within the three-year period, provided that a failure to pay is "repeated" only i it involves two or more separate and distinct occurrences of underpayment during the three-year period;
	(ii)has been issued an order to comply by the commissioner of Labor and Industry that has become final;
	(iii) has been issued at least two determination letters within the three-year period by the Department of Transportation finding an underpayment by the contractor or related entity to its own employees;
	(iv) has been found by the commissioner of Labor and Industry to have repeatedly or willfully violated any of the sections referenced in this clause pursuant to section 177.27;
	(v) has been issued a ruling or findings of underpayment by the administrator of the Wage and Hour Division of the United States Department of Labor that have become final or have been upheld by an administrative law judge or the Administrative Review Board; or
	(vi) has been found liable for underpayment of wages or penalties or misrepresenting a construction worker a an independent contractor in an action brought in a court having jurisdiction. Provided that, if the contractor or related entity contests a determination of underpayment by the Department of Transportation in a contested case proceeding, a violation does not occur until the contested case proceeding has concluded with a determination that the contractor or related entity underpaid wages or penalties;*
	(vii) has been convicted of a violation of section 609.52, subd 2 (19).

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The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 181.723 or chapter 326B. For purposes of this clause, a violation occurs when a contractor or related entity has been issued a final administrative or licensing order;* The contractor or related entity has not, more than twice during the three-year period before submitting the (4) verification, had a certificate of compliance under section 363A.36 revoked or suspended based on the provisions of section 363A.36, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office;* (5) The contractor or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals, due to a lack of good faith effort, more than once during the three-year period before submitting the verification;* * Any violations, suspensions, revocations, or sanctions, as defined in clauses (2) to (5), occurring prior to July 1, 2014, shall not be considered in determining whether a contractor or related entity meets the minimum criteria. The contractor or related entity is not currently suspended or debarred by the federal government or the state of (6) Minnesota or any of its departments, commissions, agencies, or political subdivisions that have authority to debar a contractor: and (7) All subcontractors and motor carriers that the contractor intends to use to perform project work have verified to the contractor through a signed statement under oath by an owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

Minn. Stat. § 16C.285, Subd. 5. SUBCONTRACTOR VERIFICATION.

A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project. Prior to execution of a construction contract, and as a condition precedent to the execution of a construction contract, the apparent successful prime contractor shall submit to the contracting authority a supplemental verification under oath confirming compliance with subdivision 3, clause (7). Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor.

If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors.

A prime contractor shall submit to the contracting authority upon request copies of the signed verifications of compliance from all subcontractors of any tier pursuant to subdivision 3, clause (7). A prime contractor and subcontractors shall not be responsible for the false statements of any subcontractor with which they do not have a direct contractual relationship. A prime contractor and subcontractors shall be responsible for false statements by their first-tier subcontractors with which they have a direct contractual relationship only if they accept the verification of compliance with actual knowledge that it contains a false statement.

Subd. 5a. **Motor carrier verification.** A prime contractor or subcontractor shall obtain annually from all motor carriers with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each motor carrier. A prime contractor or subcontractor shall require each such motor carrier to provide it with immediate written notification in the event that the motor carrier no longer meets one or more of the minimum criteria in subdivision 3 after submitting its annual verification. A motor carrier shall be ineligible to perform work on a project covered by this section if it does not meet all the minimum criteria in subdivision 3. Upon request, a prime contractor or subcontractor shall submit to the contracting authority the signed verifications of compliance from all motor carriers providing for-hire transportation of materials, equipment, or supplies for a project.

Revised 7/25/19 Page **2** of **5**

Minn. Stat. § 16C.285, Subd. 4. VERIFICATION OF COMPLIANCE.

A contractor responding to a solicitation document of a contracting authority shall submit to the contracting authority a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in subdivision 3, with the exception of clause (7), at the time that it responds to the solicitation document.

A contracting authority may accept a signed statement under oath as sufficient to demonstrate that a contractor is a responsible contractor and shall not be held liable for awarding a contract in reasonable reliance on that statement. A prime contractor, subcontractor, or motor carrier that fails to verify compliance with any one of the required minimum criteria or makes a false statement under oath in a verification of compliance shall be ineligible to be awarded a construction contract on the project for which the verification was submitted.

A false statement under oath verifying compliance with any of the minimum criteria may result in termination of a construction contract that has already been awarded to a prime contractor or subcontractor or motor carrier that submits a false statement. A contracting authority shall not be liable for declining to award a contract or terminating a contract based on a reasonable determination that the contractor failed to verify compliance with the minimum criteria or falsely stated that it meets the minimum criteria. A verification of compliance need not be notarized. An electronic verification of compliance made and submitted as part of an electronic bid shall be an acceptable verification of compliance under this section provided that it contains an electronic signature as defined in section 325L.02, paragraph (h).

		C			

By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

- 1) My company meets each of the Minimum Criteria to be a responsible contractor as defined herein and is in compliance with Minn. Stat. § 16C.285, and
- 2) if my company is awarded a contract, I will submit Attachment A-1 prior to contract execution, and
- 3) if my company is awarded a contract, I will also submit Attachment A-2 as required.

Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

NOTE: Minn. Stat. § 16C.285, Subd. 2, (c) If only one prime contractor responds to a solicitation document, a contracting authority may award a construction contract to the responding prime contractor even if the minimum criteria in subdivision 3 are not met.

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ATTACHMENT A-1

FIRST-TIER SUBCONTRACTORS LIST

SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT

PROJECT NUMBER:

Minn. Stat. § 16C.285, Subd. 5. A prime contractor or subcontractor shall in under subdivision 4 a list of all of its first-tier subcontractors that it intends to execution of a construction contract, and as a condition precedent to the exe apparent successful prime contractor shall submit to the contracting authorit confirming compliance with subdivision 3, clause (7). Each contractor or subsubcontractors with which it will have a direct contractual relationship a sign officer verifying that they meet all of the minimum criteria in subdivision 3 pri with each subcontractor.	retain for work on the project. Prior to ecution of a construction contract, the cy a supplemental verification under oath ocontractor shall obtain from all ed statement under oath by an owner or
FIRST TIER SUBCONTRACTOR NAMES* (Legal name of company as registered with the Secretary of State)	Name of city where company home office is located
*Attach additional sheets as needed for submission of a	Il first-tier subcontractors.
SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1	
By signing this document I certify that I am an owner or officer that:	of the company, and I swear under oath
All first-tier subcontractors listed on attachment A-1 have verificated by an owner or officer that they meet the minimum criteria in Minn. Stat. § 16C.285.	
Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

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ATTACHMENT A-2

ADDITIONAL SUBCONTRACTORS LIST

PRIME CONTRACTOR TO SUBMIT AS SUBCONTRACTORS ARE ADDED TO THE PROJECT

Minn. Stat. § 16C.285, Subd. 5. ... If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of

This form must be submitted to the Project Manager or individual as identified in the solicitation document.

PROJECT NUMBER: _____

compliance from each additional subcontractor with which it has a d supplemental verification confirming compliance with subdivision 3, additional subcontractors	
ADDITIONAL SUBCONTRACTOR NAMES* (Legal name of company as registered with the Secretary State)	of Name of city where company home office is located
*Attach additional sheets as needed for submission	n of all additional subcontractors.
SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A	2
By signing this document I certify that I am an owner or that:	officer of the company, and I swear under oath
All additional subcontractors listed on Attachment A-2 hoath by an owner or officer that they meet the minimum on Minn. Stat. § 16C.285.	
Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

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WORK SCOPE 2A - THE DEMOLITION		E TO PERFORM ALL WORK AS PART OF	
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WORK SCOPE 7-K – TOTAL LUMP SUM PRICE TO PERFORM ALL WORK AS PART OF THE JOINT SEALER WORK SCOPE.				
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If your organization	is certified as a Disadvar	ntaged Business Enterprise, please che	eck here: